

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1-24 are pending in this application. No claims are amended.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier for each claim.

Affidavit and Declaration

In Sections 1 and 2 of the Office Action the Examiner indicated that the declaration filed on 11/12/04 was ineffective because of missing signature and further indicated that upon approval of the accompanying petition the declaration should be resubmitted.

In Section 3 of the Office Action the Examiner indicated that there were evidentiary papers missing in the declaration. Applicants submit that the evidentiary papers were inadvertently omitted at the time of filing and that the papers will be filed with the declaration when the petition is granted.

Applicants have in the meantime addressed the Examiner's rejections otherwise and thus the Declaration may not be necessary should the claims pending be allowed, but will be filed at a later date, should the need arise.

Claim Rejections – 35 U.S.C. § 112

In section 2 of the Office Action, claims 6, 11, and 17 are rejected under 35 U.S.C. § 112 based on insufficient antecedent basis for the limitation "the estimated position." Applicants respectfully submit that proper antecedent basis for the limitation "the estimated position" in claim 6 is found in claim 2, from which claim 6 depends. Applicants also submit that the term "the estimated position" is not found in claim 11. Proper antecedent basis for the limitation "the

location estimation” in claim 11 is found in claim 7, from which claim 11 depends. Applicants also submit that the term “the estimated position” is not found in claim 17. Proper antecedent basis for the limitation “the location estimation” in claim 17 is found in claim 12, from which claim 17 depends.

Claims 6, 11, and 17 are also rejected under 35 U.S.C. § 112 based on a need for a comparative element in the claims. Applicant respectfully submits that claims 6, 11, and 17 have been amended in a previous response to add the comparative element “an approximate position.” Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 112 of claims 6, 11, and 17 be withdrawn.

Claim Rejections – 35 U.S.C. § 102(b)

In section 1 of the Office Action, claims 1-5, 7-10, 12-16, 18, and 23-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dussell et al. (U.S. Patent No. 5,938,721). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See Manual of Patent Examining Procedure § 2131. Applicants respectfully submit that Dussell et al. fails to teach at least one element of each of claims 1-5, 7-10, 12-16, 18, and 23-24.

a. Claims 1-5

Applicants respectfully submit that Dussell et al. fails to teach all of the steps of claim 1 as combined therein. Specifically, Dussell et al. fails to teach “gathering a list of addresses of nearby devices in communications with a network by the mobile device” as included in the combination of steps of claim 1. Dussell et al. teaches a “geocoded database that contains task descriptions with associated geocodes” (see Dussell et al., col. 8, lines 39-40) and “geocoded references for a variety of business establishments and other locations” (see Dussell et al., col. 9, lines 12-13). Dussell et al. does not teach that the mobile computer system 20 gathers a list of device addresses for other devices nearby mobile computer system 20. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Additionally, claims 2-5 depend from claim 1 and are thus patentable over Dussell et al. for at least the same reasons as claim 1. Accordingly, Applicants further request that the rejection of claims 2-5 under 35 U.S.C. § 102(b) be withdrawn as well.

b. Claims 7-10

Applicants respectfully submit that Dussell et al. fails to teach all of the steps of claim 7 as combined therein. Specifically, Dussell et al. fails to teach “receiving from a mobile device a list of addresses of devices nearby the mobile device that are in communications with the communications network” as included in the combination of steps of claim 7. Dussell et al. teaches a “geocoded database that contains task descriptions with associated geocodes” (see Dussell et al., col. 8, lines 39-40) and “geocoded references for a variety of business establishments and other locations” (see Dussell et al., col. 9, lines 12-13). Dussell et al. does not teach that a list of device addresses for other devices nearby mobile computer system 20 is received from mobile computer system 20. Accordingly, Applicants respectfully request that the rejection of claim 7 under 35 U.S.C. § 102(b) be withdrawn. Additionally, claims 8-10 depend from claim 7 and are thus patentable over Dussell et al. for at least the same reasons as claim 7. Accordingly, Applicants further request that the rejection of claims 8-10 under 35 U.S.C. § 102(b) be withdrawn as well.

c. Claims 12-16

Applicants respectfully submit that Dussell et al. fails to teach all of the steps of claim 12 as combined therein. Specifically, Dussell et al. fails to teach “gathering a list of addresses of nearby devices in communications with a communications network by the mobile device” as included in the combination of steps of claim 12. Dussell et al. teaches a “geocoded database that contains task descriptions with associated geocodes” (see Dussell et al., col. 8, lines 39-40) and “geocoded references for a variety of business establishments and other locations” (see Dussell et al., col. 9, lines 12-13). Dussell et al. does not teach that the mobile computer system 20 gathers a list of device addresses for other devices nearby mobile computer system 20.

Accordingly, Applicants respectfully request that the rejection of claim 12 under 35 U.S.C. § 102(b) be withdrawn. Additionally, claims 13-16 depend from claim 12 and are thus patentable over Dussell et al. for at least the same reasons as claim 12. Accordingly, Applicants further request that the rejection of claims 13-16 under 35 U.S.C. § 102(b) be withdrawn as well.

d. Claim 18

Applicants respectfully submit that Dussell et al. fails to teach all of the elements of claim 18 as combined therein. Specifically, Dussell et al. fails to teach “the location request including a list of addresses of devices coupled to the communications network that are nearby the wireless device” as included in the combination of elements of claim 18. Dussell et al. teaches a “geocoded database that contains task descriptions with associated geocodes” (see Dussell et al., col. 8, lines 39-40) and “geocoded references for a variety of business establishments and other locations” (see Dussell et al., col. 9, lines 12-13). Dussell et al. does not teach that a list of device addresses for other devices nearby mobile computer system 20 is received from mobile computer system 20. Accordingly, Applicants respectfully request that the rejection of claim 18 under 35 U.S.C. § 102(b) be withdrawn. Additionally, claim 23 depends from claim 18 is thus patentable over Dussell et al. for at least the same reasons as claim 18. Accordingly, Applicants further request that the rejection of claim 23 under 35 U.S.C. § 102(b) be withdrawn as well.

e. Claim 24

Applicants respectfully submit that Dussell et al. fails to teach all of the steps of claim 24 as combined therein. Specifically, Dussell et al. fails to teach “entering the locations of stationary and permanent devices and the associated device addresses into a database, by a mobile device” as included in the combination of steps of claim 24. Dussell et al. teaches a “geocoded database that contains task descriptions with associated geocodes” (see Dussell et al., col. 8, lines 39-40) and “geocoded references for a variety of business establishments and other locations” (see Dussell et al., col. 9, lines 12-13). Dussell et al. does not teach that device addresses for devices other than mobile computer system 20 are entered into a database.

Accordingly, Applicants respectfully request that the rejection of claim 24 under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections – 35 U.S.C. § 103(a)

In section 2 of the Office Action, claims 19-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dussell et al. in view of Parry (U.S. Patent Publication No. 2002/0164997).

A prima facie case of obviousness requires that the prior art reference or references teaches or suggests all of the claimed limitations. See Manual of Patent Examining Procedure § 2143. Applicants respectfully submit that the combination of Dussell et al. and Parry does not teach or suggest at least one element of claims 19-22. Claims 19-22 depend from claim 18. As explained above, Dussell et al. fails to teach all of the elements of claim 18 as combined therein. As to Parry, it does not appear to make up for the above-noted deficiencies in Dussell et al. with regard to claim 18. Thus, claims 19-22 are patentable over the cited combination of Dussell et al. and Parry for at least the same reasons as claim 18. Accordingly, Applicants respectfully request that the rejection of claims 19-22 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid

amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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